

1307188-Court-A-Unit
 ANTHONY L. REGISTER
 701 N. 4TH STREET
 ATTORNEY AT LAW
 WILMINGTON, NC 28401-0000

IN RE
 MARY CATHERINE CALDWELL
 936 ROYAL TERN DRIVE

 HAMPSTEAD, NC 28443
 SSN or Tax I.D. XXX-XX-5544

 THOMAS JOHN CALDWELL
 936 ROYAL TERN DRIVE

 HAMPSTEAD, NC 28443
 SSN or Tax I.D. XXX-XX-1586

United States Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

Chapter 13
 Case Number: 13-07188-8-SWH

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 02/10/2014, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
MARY CATHERINE CALDWELL	ANTHONY L. REGISTER	Richard M. Stearns
936 ROYAL TERN DRIVE	701 N. 4TH STREET	1015 Conference Dr.
HAMPSTEAD, NC 28443	ATTORNEY AT LAW	Greenville, NC 27858
-----	WILMINGTON, NC 28401-0000	
THOMAS JOHN CALDWELL		
936 ROYAL TERN DRIVE		
HAMPSTEAD, NC 28443		

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 09, 2014

Richard M. Stearns
 Chapter 13 Trustee
 1015 Conference Dr.
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

CASE NUMBER: 13-07188-8-SWH

MARY CATHERINE CALDWELL

THOMAS JOHN CALDWELL

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on December 17, 2013, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$400.00 PER MONTH FOR 34 MONTHS, THEN \$645.00 PER MONTH FOR 26 MONTHS
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before March 17, 2014 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before May 19, 2014 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#9 USAA	'04 HONDA PILOT	TO BE PAID DIRECT
#802 NATIONSTAR MORTGAGE	MORTGAGE	TO BE PAID DIRECT

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments. (SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>
NONE	

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#8 PENDER CO TAX COLLECTOR	TAXES	\$2006.07 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 10 ¼% INTEREST

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#822 BANK OF AMERICA	2 ND MORTGAGE	TO BE PAID DIRECT INCLUDING ARREARS UNTIL AVOIDED

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of

repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.
16. Other Provisions: NONE

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: MARY & THOMAS **CASE NUMBER:** 13-07188-8-SWH
CALDWELL

EMPLOYMENT:

Debtor: UNCW & REGULAR GROSS INCOME: \$4,781.00
INCOME SELF
EMPLOYMENT
Spouse: SELF EMPLOYED \$3,473.00
BOAT BUILDER

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed

cases:

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE @ 936 ROYAL TERN DRIVE / JOINT

FMV	\$286,792.00	Date Purchased	
Liens	\$418,080.00	Purchase Price	
Exemptions	\$0.00	Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	\$286,792.00

Description	N/A	Date Purchased	
FMV		Purchase Price	
Liens		Improvements	
Exemption		Insured For	
Equity	\$ 0.00	Tax Value	
Rent			

COMMENTS:

<u>Attorney</u>	Requested:	\$3,700.00	(excluding filing fee)
<u>Fees:</u>	Paid:	\$500.00	(excluding filing fee)
	Balance:	\$3,200.00	

Trustee's Recommendation: \$3,700.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$82,408.71	Pay in	\$30,370.00	Priority	100.00%
Priority	\$20,723.67	Less 8.00%	\$2,429.60	Secured	100.00%
Secured	\$2,572.20	Subtotal	\$27,940.40	Unsecured	0.00%
Unsecured	\$59,112.84	Req. Atty. Fee	\$3,200.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$24,740.40	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Payroll Deduction:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Objection to Confirmation:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Pending:
Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CASE: 1307188 TRUSTEE: 54 COURT: 278
 TASK: 01-08-2014.00721068.LSA000 DATED: 01/09/2014

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	MARY CATHERINE CALDWELL	936 ROYAL TERN DRIVE HAMPSTEAD, NC 28443
Joint	THOMAS JOHN CALDWELL	936 ROYAL TERN DRIVE HAMPSTEAD, NC 28443
799	000002 ANTHONY L. REGISTER ATTORNEY AT LAW	701 N. 4TH STREET WILMINGTON, NC 28401-0000
IRS	000004 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
010	000019 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
010	000010 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
013	000013 BANK OF AMERICA CHAPTER 13 BANKRUPTCY	PO BOX 15796 WILMINGTON, DE 19886
024	000024 ATTORNEY GENERAL 10TH ST. & CONSITUTION AVENUE NW	5137 ROBERT F. KENNEDY BLDG. WASHINGTON, DC 20530
011	000011 BANK OF AMERICA PO BOX 26012	NC4-105-02-77 GREENSBORO, NC 27410
025	000025 BANK OF AMERICA *CM PO BOX 26012	BRIAN T. MOYNIHAN, PRES & CEO GREENSBORO, NC 27410-6012
822	000006 BANK OF AMERICA BANKRUPTCY DEPARTMENT	PO BOX 26012 GREENSBORO, NC 27420
023	000023 US ATTORNEY 310 NEW BERN AVE, FEDERAL BLDG	ATTN: CIVIL PROCESS CLERK, STE 800 RALEIGH, NC 27601-1461
NCREV	000005 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
019	000020 SHAPIRO & INGLE, LLP CHAPTER 13 BANKRUPTCY	10130 PERIMETER PARKWAY, STE. 400 CHARLOTTE, NC 28216
008	000021 PENDER COUNTY TAX COLLECTOR CHAPTER 13 B ANKRUPTCY	PO BOX 1047 BURGAW, NC 28425-1047
008	000008 PENDER COUNTY TAX COLLECTOR CHAPTER 13 B ANKRUPTCY	PO BOX 1047 BURGAW, NC 28425-1047
014	000014 GE CAPITAL RETAIL BANK CHAPTER 13 BANKRUPTCY	PO BOX 103104 ROSWELL, GA 30076
015	000015 KOHLS/CAPITAL ONE CHAPTER 13 BANKRUPTCY	N56 W 17000 RIDGEWOOD DRIVE MENOMONEE FALLS, WI 53051
802	000007 NATIONSTAR MORTGAGE	350 HIGHLAND DR LEWISVILLE, TX 75067
020	000022 USAA	9441 LBJ FREEWAY STE 350 DALLAS, TX 75382-1568
009	000009 USAA	POB 821568 DALLAS, TX 75382-1568
016	000016 USAA FEDERAL SAVINGS BANK	PO BOX 47504 SAN ANTONIO, TX 78265

CERTIFICATE OF MAILING

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CASE: 1307188 TRUSTEE: 54 COURT: 278
TASK: 01-08-2014.00721068.LSA000 DATED: 01/09/2014

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017	000017	USAA FEDERAL SAVINGS BANK	PO BOX 47504 SAN ANTONIO, TX 78265
018	000018	BANK OF AMERICA CHAPTER 13 BANKRUPTCY	PO BOX 982235 EL PASO, TX 79998-2235
012	000012	BANK OF AMERICA CHAPTER 13 BANKRUPTCY	PO BOX 982235 EL PASO, TX 79998-2235

28 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 01/09/2014.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 01/09/2014 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail